

2000-11-12 10:00

Aug 12 11 12 AM '00

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Request for Review)
of the Decision of)
the Universal Service Administrator by)
Metropolitan School District) File No. SLD-120821
of Pike Township)
Indianapolis, Indiana)
Federal-State Joint Board on Universal Service) CC Docket No. 96-45
Changes to the Board of Directors) CC Docket No. 97-21✓
of the National Exchange Carrier)
Association, Inc.)

ORDER**Adopted: August 1, 2000****Released: August 2, 2000**

By the Common Carrier Bureau:

1. The Common Carrier Bureau (Bureau) has under consideration a Letter of Appeal filed by the Metropolitan School District of Pike Township (Metropolitan), Indianapolis, Indiana, on November 9, 1999, seeking review of a funding commitment letter issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (the Administrator).¹ Metropolitan disputes SLD's denial of Metropolitan's application for discounts for internal connections under the schools and libraries universal support mechanism.² For the reasons set forth below, we deny Metropolitan's appeal.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ The Commission's rules require that the applicant make a bona fide request for services by filing with the Administrator an FCC Form

¹ Letter from David Koch, Metropolitan School District of Pike Township, to Federal Communications Commission, filed November 9, 1999 (Letter of Appeal).

² Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ 47 U.S.C. § 254(h); 47 C.F.R. §§ 54.502, 54.503.

470,⁴ which is posted to the Administrator's website for all potential competing service providers to review.⁵ After the FCC Form 470 is posted, the applicant must wait at least 28 days before entering an agreement for services and submitting an FCC Form 471, which requests support for eligible services.⁶ SLD reviews the FCC Forms 471 that it receives and issues funding commitment decisions in accordance with the Commission's rules.

3. By letter dated October 12, 1999, SLD denied Metropolitan's request for discounts, finding that the request included only Y2K software upgrades that were ineligible for support under the schools and libraries support mechanism.⁷ In its Letter of Appeal, Metropolitan states that the documentation that it submitted in support of its FCC Form 471 did in fact indicate that it sought support only for Y2K upgrades.⁸ Metropolitan contends, however, that the upgrade significantly increased the number of ports available for new telephones and that the upgrade, therefore, constitutes eligible internal connections services.⁹

4. Software, including Y2K upgrades, is eligible for support only if it is provided as a component of an eligible internal connection, such as software used to operate a server.¹⁰ There is no information in Metropolitan's application indicating that it was seeking support for eligible internal connections. The documents filed in support of its FCC Form 471 repeatedly referred to Y2K upgrades and to no other service.¹¹ One document referred to the "Total Cost Y2K upgrade" as \$28,500, which was also the total prediscount cost of the request.¹² Moreover, the Form 470 filed by Metropolitan described its telecommunications-related goals by stating "[w]e have 4 school buildings that need Y2K upgrades for telephone service."¹³ It thus appears from Metropolitan's FCC Form 470 that its primary telecommunications goal was to make its telephone service Y2K compliant, rather than to purchase internal connections that included software eligible for support.

⁴ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (FCC Form 470).

⁵ 47 C.F.R. § 54.504(b); *Universal Service Order*, 12 FCC Rcd at 9078, para. 575.

⁶ 47 C.F.R. § 54.504(b), (c); Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (FCC Form 471).

⁷ Letter from Universal Service Administrative Company to David Koch, Metropolitan School District of Pike Township, issued October 12, 1999.

⁸ Letter of Appeal.

⁹ Letter of Appeal.

¹⁰ See Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form, OMB Approval No. 3060-0806 (FCC Form 471 Instructions) (December 1998) at 5-6; see also SLD web site, <<http://www.sl.universalservice.org>>.

¹¹ See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806, filed by Pike Township Metropolitan School District (Metropolitan Form 471).

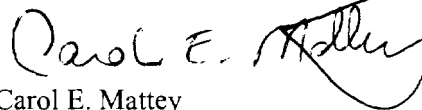
¹² Metropolitan Form 471.

¹³ Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (FCC Form 470), filed by Pike Township Metropolitan School District.

5. Even if Metropolitan is correct that its request was for internal connections, the applicant bears the responsibility of properly completing its application and accurately representing its request for services.¹⁴ SLD can not be expected to make decisions based on information that is not provided in the application and appeals will not be granted based on information that could have been provided by the applicant at the time the application was filed. We conclude that, on the basis of the forms and supporting documents submitted by Metropolitan, SLD properly denied Metropolitan's request for a Y2K upgrade. The Bureau, therefore, denies Metropolitan's appeal.

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed by Metropolitan School District of Pike Township, Indianapolis, Indiana, on November 9, 1999, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Deputy Chief, Common Carrier Bureau

¹⁴ See e.g. *Request for Review of Decision Universal Service Administrative Company by Arizona Call-A-Teen Center*, CC Docket No. 96-45, Order, DA 00-1058, para. 6 (rel. May 15, 2000).